



Paper No. 33

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OFFICE OF PETITIONS

In re Application of  
Coleman, et al.  
Application No. 09/108,232  
Filed: July 1, 1998  
Attorney Docket No. 97-674

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed December 9, 2002 (Certificate of Mailing dated December 4, 2002), to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to timely file a proper response to the final Office action mailed June 15, 2001. This Office action set a shortened statutory period for reply of three months. No extensions of time under 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application was held abandoned on September 16, 2001. A Notice of Abandonment was mailed on February 21, 2002. However, on September 25, 2002, applicant filed a Petition to Withdraw the Holding of Abandonment, together with a copy of an amendment bearing a Certificate of Facsimile Transmission dated November 15, 2001, and accompanied by a two month extension of time. Accordingly, the amendment was timely, and a Notice withdrawing the holding of abandonment was mailed on October 10, 2002. The examiner determined that the amendment failed to place the application in condition for allowance in an Advisory Action mailed October 15, 2002. Accordingly, the application properly became abandoned on November 16, 2001.

With the instant petition, applicant paid the petition fee, made a statement of unintentional delay, and filed the required reply in the form of a Request for Continued Examination (RCE). 37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The statement contained in the instant petition varies from the language required by 37 CFR 1.137(b)(3). The statement contained in the instant petition is being construed as the statement required by 37 CFR 1.137(b)(3). Petitioner must notify the Office if this is **not** a correct interpretation of the statement contained in the instant petition.

The application file is being forwarded to Technology Center 1700 for consideration of the RCE, filed December 9, 2002.

Telephone inquiries concerning this decision should be directed to the undersigned at (703) 305-0272.

A handwritten signature in cursive script, appearing to read "Cliff Congo".

Cliff Congo  
Petitions Attorney  
Office of Petitions